

**Notice of Allowability**

Application No.

10/777,810

Examiner

Jimmy T. Nguyen

Applicant(s)

SCHULTE, REINHOLD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/18/05.
2. ☒ The allowed claim(s) is/are 1,5-7 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DERRIS H. BANKS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Richard M. Goldberg on November 16, 2005.

The application has been amended as follows:

**In claim 1, last paragraph:**

The entire last paragraph has been replaced by the following paragraph:

--- a pressure spring for fixing the second lever to the shaft in a releasably rotation-resistant manner, the pressure spring being disposed between a bearing of an arm mounted rotation-resistantly on the shaft and a bearing on a shoulder projecting from the second lever, such that the pressure spring presses the arm and the bearing on the shoulder apart with a pre-defined amount of compressive force. ----.

**In claim 7, lines 1-5:**

All of the limitations in lines 1-5 have been replaced with the following words:

--- The toggle press of claim 5, wherein the pressure spring mounted between the bearing on the shoulder projects from the second lever opposite to the stopper element and the counter-stopper element and the bearing on the arm projects radially from the shaft, and wherein movement ----.

**In claim 11, lines 1-5:**

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All of the limitations in lines 1-5 have been replaced with the following words:

--- The toggle press of claim 6, wherein the pressure spring mounted between the bearing on the shoulder projects from the second lever opposite to the stopper element and the counter-stopper element and the bearing on the arm projects radially from the shaft, and wherein movement ----.

***Allowable Subject Matter***

Claims 1, 5-7 and 11 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a toggle press comprising: first and second lever pivotally connected together by a joint, the second lever having a free end rotation-resistantly mounted on a shaft adapted to be rotated by a drive unit, the second lever disposed on a section of the shaft contrived as an eccentric cam, and *a pressure spring for fixing the second lever to the shaft in a releasably rotation-resistant manner, the pressure spring being disposed between a bearing of an arm mounted rotation-resistantly on the shaft and a bearing on a shoulder projecting from the second lever*, in combination with the rest of the claimed limitations.

Newly cited US 3,785,282 to Kamelander discloses a toggle press comprising: first (12) and second (10) lever pivotally connected together by a joint (11), the second lever having a free end rotation-resistantly mounted on a shaft (2) adapted to be rotated by a drive unit (3), the second lever disposed on a section of the shaft contrived as an eccentric cam (4), and an adjusting member (20, 24) disposed between an arm (17) mounted on the shaft and a bearing of

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the second lever. Kamelander does not disclose or fairly suggest *a pressure spring being disposed between a bearing of an arm mounted rotation-resistantly on the shaft and a bearing on a shoulder projecting from the second lever*. Thus claim 1 contains allowable subject matter over the prior art of record.

Neither the prior art references of record alone nor in combination thereof discloses the claimed invention as set forth in claims 1, 5-7 and 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
November 15, 2005



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